

PACHULSKI STANG ZIEHL & JONES LLP  
 Jeffrey N. Pomerantz (CA Bar No. 143717) (*admitted pro hac vice*)  
 Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)  
 John A. Morris (NY Bar No. 2405397) (*admitted pro hac vice*)  
 Gregory V. Demo (NY Bar No. 5371992) (*admitted pro hac vice*)  
 Hayley R. Winograd (NY Bar No. 5612569) (*admitted pro hac vice*)  
 10100 Santa Monica Blvd., 13th Floor  
 Los Angeles, CA 90067  
 Telephone: (310) 277-6910  
 Facsimile: (310) 201-0760

HAYWARD PLLC  
 Melissa S. Hayward (Texas Bar No. 24044908)  
 Zachery Z. Annable (Texas Bar No. 24053075)  
 10501 N. Central Expy, Ste. 106  
 Dallas, TX 75231  
 Tel: (972) 755-7100  
 Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.*

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION**

---

In re:	§	
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	Chapter 11
Reorganized Debtor.	§	Case No. 19-34054-sgj11
 	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	Adversary Proceeding No.
vs.	§	21-3007-sgj
 	§	
HCRE PARTNERS, LLC (N/K/A NEXPOINT REAL ESTATE PARTNERS, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§	
Defendants.	§	

---

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**ERRATA TO HIGHLAND'S MEMORANDUM OF LAW IN SUPPORT OF  
OPPOSITION TO MOTION TO DISMISS FIFTH, SIXTH,  
AND SEVENTH CLAIMS FOR RELIEF**

Highland Capital Management, L.P., the plaintiff in the above-captioned and related adversary proceedings (the “Adversary Proceedings”) and the reorganized debtor (“Highland” or the “Debtor”, as may temporally be required) in the above-captioned chapter 11 case (the “Bankruptcy Case”), hereby submits this *Errata to Highland's Memorandum of Law in Support of Its Opposition to Motion to Dismiss Fifth, Sixth, and Seventh Claims for Relief* (the “Errata”)<sup>2</sup> and respectfully states as follows:

1. In its Opposition Brief, Highland inadvertently omitted a word from a quote. Specifically, the Opposition Brief incorrectly states that under the LPA, “the General Partner and any Affiliate of the General Partner shall receive compensation from the Partnership for services rendered pursuant to this Agreement or any other agreements unless approved by a Majority Interest.” (Opposition Brief ¶ 27) (quoting LPA § 3.10). The correct quote is that “the General Partner and any Affiliate of the General Partner shall receive no compensation from the Partnership for services rendered pursuant to this Agreement or any other agreements unless approved by a Majority Interest.” (LPA § 3.10) (emphasis added).

2. Accordingly, the quote in the fourth sentence of paragraph 27 shall be deemed deleted and replaced with the following language: “the General Partner and any Affiliate of the General Partner shall receive no compensation from the Partnership for services rendered pursuant to this Agreement or any other agreements unless approved by a Majority Interest.” (LPA § 3.10).

---

<sup>2</sup> Capitalized terms not otherwise defined herein shall take on the meaning ascribed thereto in *Highland's Memorandum of Law in Support of Opposition to Motion to Dismiss Fifth, Sixth, and Seventh Claims for Relief* [Docket No. 75] (the “Opposition Brief”).

Dated: October 28, 2021.

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No. 143717)  
Ira D. Kharasch (CA Bar No. 109084)  
John A. Morris (NY Bar No. 266326)  
Gregory V. Demo (NY Bar No. 5371992)  
Hayley R. Winograd (NY Bar No. 5612569)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)  
[ikharasch@pszjlaw.com](mailto:ikharasch@pszjlaw.com)  
[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)  
[gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)  
[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

-and-

**HAYWARD PLLC**

/s/ Zachery Z. Annable  
Melissa S. Hayward (Texas Bar No. 24044908)  
Zachery Z. Annable (Texas Bar No. 24053075)  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100  
Fax: (972) 755-7110  
Email: [MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)  
[ZAnnable@HaywardFirm.com](mailto:ZAnnable@HaywardFirm.com)

*Counsel for Highland Capital Management, L.P.*